

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Babcock, Inc.  
14930 East Alondra Blvd.  
La Mirada, CA 90638-6500

ID No: CA0000368910

Respondent.

Docket HWCA SRPD02/03/NAEO-1300

CONSENT ORDER

Health and Safety Code  
Section 25187

INTRODUCTION

The California Department of Toxic Substances Control (Department) and Babcock, Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.1. Site. Respondent generates, handles, treats, stores, and/or disposes of hazardous waste at the following site: 14930 East Alondra Blvd., La Mirada, California (Site).

1.2. Inspection. The Department inspected the Site on March 15, 2003.

1.3. Permit/Interim Status. The Respondent is authorized by the Los Angeles County Certified Unified Program Agency (CUPA) to treat certain wastes generated in electroplating operations under a Permit by Rule. The Respondent uses pH neutralization, metals precipitation, and gravity sedimentation to treat hazardous wastes. Metal-bearing residues from waste treatment are transferred to a permitted offsite facility for treatment, and treated water is discharged to the sewer.

1.4. Jurisdiction. Health and Safety Code section 25187, authorizes the

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Department to order action necessary to correct violations and assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.5. Full Settlement. This Order shall constitute full settlement of the violations alleged below, but does not limit the Department from taking appropriate enforcement action concerning other violations.

1.6. Admissions.

a) Respondent does not admit Violations 2.1 and 2.2, except as follows:

Respondent admits the facts alleged below for the purposes of any subsequent action brought pursuant to the Hazardous Waste Control Law, Health and Safety Code section 25100 et seq., within 5 years of the date the violations occurred.

b) Respondent admits the Violation 2.3 as described below.

VIOLATIONS ALLEGED

2. The Department alleges the following violations:

2.1. Respondent violated Health and Safety Code section 25201, in that, on or about January 3, 2002, through March 19, 2003, Respondent stored hazardous waste in containers without authorization by the Department.

2.2. Respondent violated California Code of Regulations, title 22, section 67450.3, subdivision (c)(5), in that, on or about April 11, 2002, Respondent exceeded the discharge limit established by the local sanitation district for the discharge of treated waste water containing zinc from an authorized hazardous waste treatment unit into the sewer.

2.3. Respondent violated California Code of Regulations, title 22, section 66265.192, in that, during the period beginning not later than 1994 and continuing to the present, Respondent failed obtain a written assessment reviewed and certified by a qualified independent professional engineer attesting that tanks installed and operated at the facility have sufficient structural integrity and are acceptable for the transferring, storing and treating of hazardous waste, prior to placing the tanks in service.

#### SCHEDULE FOR COMPLIANCE

3. Respondent shall comply with the following:

3.1.1. Respondent has already submitted documentation and certification that show that all violations have been adequately corrected or addressed. No further corrective action is required of Respondent with respect to these violations.

3.1.2. Immediately, and for a period thereafter of not less than five years, Respondent shall maintain this Order as part of its operating record.

3.2. Submittals. All submittals from Respondent pursuant to this Order shall be sent simultaneously to:

Charles A. McLaughlin, Chief  
State Oversight and Enforcement Branch  
Statewide Compliance Division  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, CA 95826

Mr. Bill Jones, Director  
Los Angeles County Fire Department  
5825 Rickenbacker Road  
Commerce, CA 90040-3027

3.3. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

3.4. Site Access. Access to the Site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any other agency having jurisdiction. Nothing in this Order is intended to limit in any way the right of entry or inspection that any agency may have by operation of any law or otherwise. The Department and its authorized representatives may enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the

progress of Respondent in carrying out the terms of this Order; and conducting such tests as the Department may deem necessary.

3.5. Sampling, Data, and Document Availability.

3.5.1. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the effective date of this Order.

3.5.2. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondent shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Order.

3.6. Government Liabilities. The Department shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent, or related parties specified in paragraph 4.3, in carrying out activities pursuant to this Order, nor shall the Department be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Order.

3.7. Incorporation of Plans and Reports. All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Order are incorporated in this Order upon approval by the Department.

## OTHER PROVISIONS

4.1. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

4.2. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.3. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except by a writing duly executed by the Department and specifically referencing this document by title and docket number, or as otherwise provided in this Consent Agreement.

4.4. Privileges. Nothing in this Consent Agreement shall be construed to require any party to waive any privilege, including without limitation, attorney-client and attorney work-product. However, the assertion of any privilege shall not relieve any party of its obligations under this Order.

PENALTY

5.1. Respondent shall pay the Department the total sum of \$27,840, which includes \$4,568 as reimbursement of the Department's costs incurred in connection with this matter.

5.2. Payment in the amount of \$22,840 is due within 30 days from the effective date of this Order.

5.3. Respondent's checks shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the checks shall be sent simultaneously to:

Charles A. McLaughlin, Chief  
State Oversight and Enforcement Branch  
Statewide Compliance Division  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, CA 95826

James J. Grace  
Staff Counsel  
Office of Legal Counsel  
Department of Toxic Substances Control  
1001 I Street, 23rd floor  
P. O. Box 806  
Sacramento, California 95812-0806

5.4. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

5.5. The penalty shall be reduced by \$5,000 if, and only if, Respondent sends at least 3 employees to the California Compliance School, Modules I - V, and submits to the Department, within 180 days of the effective date of this Consent Order, Certificates of Satisfactory Completion thereof.

5.6. In the event that the above Certificates of Satisfactory Completion are not all received by the Department within 180 days of the effective date of this Consent Order, the entire remaining balance of \$5,000 shall then become due and payable.

#### RIGHT TO A HEARING

6. Respondent waives any right to a hearing in this matter.

#### EFFECTIVE DATE

7. The effective date of this Order is the date it is signed by the Department.

Dated: July 1, 2004

Babcock, Inc.

original signed by  
By: Ken Chin, President  
Respondent

Dated: July 8, 2004

original signed by Sangat Kals  
Charles A. McLaughlin, Chief  
State Oversight and Enforcement Branch  
Statewide Compliance Division  
Department of Toxic Substances Control

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